

From: "Davis, Mike" <MDavis@archcoal.com>
To: "Wayne Hedberg (E-mail)" <waynehedberg@utah.gov>
Date: 1/11/2006 11:28:20 AM
Subject: NOV Informal Conference ltr 010506

Wayne,

Chris Hansen asked me to send a copy of the attached letter that he left in his office to you. He will be mailing the original letter to you later.

Mike

<<NOV Informal Conference ltr 010506.pdf>>

***** Email Disclaimer *****

The information contained in this e-mail, and in any accompanying documents, may constitute confidential and/or legally privileged information. The information is intended only for use by the designated recipient. If you are not the intended recipient (or responsible for delivery of the message to the intended recipient), you are hereby notified that any dissemination, distribution, copying, or other use of, or taking of any action in reliance on this e-mail is strictly prohibited. If you have received this e-mail communication in error, please notify the sender immediately and delete the message from your system.

CC: "Mary Ann Wright (E-mail)" <maryannwright@utah.gov>, "Hansen, Chris" <CHansen@archcoal.com>



Ken May, General Manager
397 South 800 West
Salina, UT 84654
(435) 286-4400 - Office
(435) 286-4499 - Fax

January 5, 2006

Coal Regulatory Program
Attn.: D. Wayne Hedberg
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

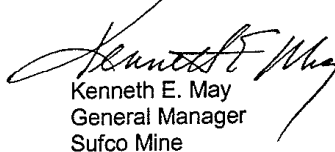
RE: Proposed Assessment for State Violation No. N05-53-1-1, Canyon Fuel Company, LLC,
SUFco Mine, C/041/0002

Dear Mr. Hedberg:

Sufco respectfully requests an informal conference to appeal the fact of State Violation No. N05-53-1-1. The mine recognizes and appreciates the effort of the Division's staff in addressing the issue of coal fines in Quitcupah Creek. However, we do have concerns with and would like to better understand the issuance of a violation written based on the following text: "Coal fines appear to have been released into the North Fork of the Quitcupah from UPDES outfall 003. Observed impacts were anonymously reported to the DWQ..." (from Notice of Violation, No. N05-53-1-1, Nature of Violation, first two sentences) and "Black water (containing coal fines) was released into the North Fork of Quitcupah Creek presumably from UPDES outfall 003A at the SUFCO underground mine. Although no one directly witnessed the contaminated discharge from outfall 003A," (text copied from the Worksheet for Assessment of Penalties Division of Oil, Gas, and Mining, Section II Seriousness, A 2, Explanation of Points). The author of this letter for emphasis added the underlining of portions of the text.

Sufco would appreciate the opportunity to discuss this issue in an informal conference with you and your staff and look forward to better understanding the basis for issuance of the Notice of Violation. Please let me know what dates are available for a conference so that we can make certain the appropriate personnel are in attendance.

Sincerely,



Kenneth E. May
General Manager
Sufco Mine